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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all similarly
 situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

William Christopher Carmody
 (admitted *pro hac vice*)
 Shawn J. Rabin (admitted *pro hac vice*)
 Steven M. Shepard (admitted *pro hac vice*)
 Alexander Frawley (admitted *pro hac vice*)
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Case No.: 4:20-cv-03664-YGR-SVK

**PLAINTIFFS' REQUEST FOR
 REIMBURSEMENT OF ATTORNEYS'
 FEES AND COSTS INCURRED FOR
 SUCCESSFUL SANCTIONS MOTION**

The Honorable Susan van Keulen

1 Pursuant to the Court's Order granting in part Plaintiffs' motion for sanctions for discovery
2 misconduct (Dkt. 588) and Federal Rule of Civil Procedure 37(b)(2)(c), Plaintiffs respectfully seek
3 reimbursement of the fees and costs incurred in bringing their motion for sanctions.

4 The Court has already found that Google committed discovery misconduct, including by
5 violating Court orders and concealing from Plaintiffs key Google employees and relevant data
6 sources. The Court accordingly issued evidentiary sanctions against Google, and the Court also
7 concluded that "Google must pay all attorneys' fees and costs incurred by Plaintiffs in filing the
8 Sanctions Motion, including expert consultant and witness fees." Dkt. 588 at 7; *see also* Fed. R.
9 Civ. P. 37(b)(2)(c) (requiring offending party to "pay the reasonable expenses, including attorney's
10 fees, caused by the failure" to comply). Consistent with that order, Plaintiffs respectfully submit
11 this request for reimbursement. As noted in Exhibit A to the Declaration of Mark Mao filed with
12 this request, Plaintiffs incurred \$992,172.00 in attorneys' fees, \$28,892.00 in experts' fees, and
13 \$57,860.43 in costs, for a total of \$1,078,924.43.

14 The attorney time incurred included: (1) drafting the motion for sanctions and all
15 supporting materials, including detailed review of late-breaking documents produced by Google
16 from the custodial files of Bert Leung that revealed Google's use of the maybe_chrome_incognito
17 bit; (2) drafting the supplement to the motion and supporting materials following Google's
18 disclosure of the is_chrome_incognito and is_chrome_non_incognito bits; (3) reviewing Google's
19 opposition to the sanctions motion, including the 90 exhibits attached to Google's opposition; (4)
20 drafting the reply brief in support of Plaintiffs' sanctions motion and the supporting materials; (5)
21 drafting the proposed findings of fact and conclusions of law; and (6) preparing for and
22 participating in a full-day evidentiary hearing that included an examination of Plaintiffs' consultant
23 and examinations of four Google engineers; and (7) drafting Plaintiffs' second supplement to the
24 sanctions motion. Mao Decl. ¶ 4. Plaintiffs did not include in their request any attorney time
25 devoted to (1) preparing for or taking depositions of any witnesses; (2) hearings and conferences
26 before the Special Master, or (3) attorney travel time in connection with the April 21 evidentiary
27 hearing on the sanctions motion. Mao Decl. ¶ 5.

1 Should the Court so request, Plaintiffs are willing to (1) submit detailed time records for *in*
2 *camera* review, and / or (2) submit additional briefing and materials concerning their hourly rates
3 and fees.

4 Dated: June 4, 2022

Respectfully submitted,

6 By: /s/Mark Mao

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